

In re) Fair Hearing No. M-06/09-321
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 Appeal of)

The petitioner appeals the decision by the Department for Children and Families, Economic Services Division, Health Access Eligibility Unit terminating her eligibility for VPharm benefits. The issue is whether the petitioner's income exceeds the maximum allowable under that program.

1. The petitioner was a recipient of VPharm when she underwent an eligibility review in June 2009. At that time she reported to the Department that she had recently begun receiving a pension of \$383 a month in addition to her Social Security income of \$1,773.40. In a decision dated June 9, 2009, the Department notified the petitioner that she would be ineligible for VPharm benefits effective July 1, 2009 due to excess income.¹

2. The petitioner does not dispute that her monthly net income of \$2,156.40 is in excess of the program maximum of

¹ The Department found the petitioner eligible for HVP, a discount drug program.

\$2,039 for a single-person household. However, she alleges that her monthly prescription drug expenses far exceed the amount that her income exceeds the VPharm maximum.

3. At the hearings (held on July 9 and August 13, 2009) the petitioner was advised that she could reapply for VPharm based on any change in her circumstances, including a voluntary reduction in income. The petitioner indicated that she had been advised that she might be eligible for federal prescription drug benefits.²

ORDER

The Department's decision is affirmed.

REASONS

Income eligibility for VPharm is determined based on all earned and unearned income in the household. W.A.M. § 4001.81. As noted above, the petitioner does not dispute that her income as of June 2009 is in excess of the VPharm program maximum of \$2,039 for a one-person household. Procedures Manual § P-2420. Inasmuch as there is no dispute that the Department correctly determined the petitioner's income, and that its decision was in accord with the above

²The petitioner's VPharm benefits have continued during the pendency of this fair hearing.

regulations, the Board is bound to affirm that decision. 3

V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4D.

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